

Justice System Appropriations Bill Senate File 2378

Last Action:
Senate Appropriations
Committee
March 15, 2010

Executive Summary Only

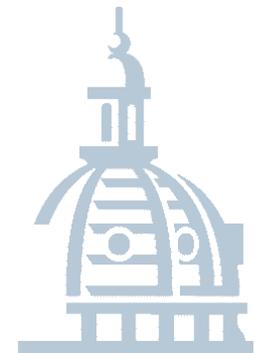
An Act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions.

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

Fiscal Services Division

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**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 2378
JUSTICE SYSTEM APPROPRIATIONS BILL**

FUNDING SUMMARY

- **GENERAL FUND:** Appropriates a total of \$484.1 million from the General Fund and 1,836.2 FTE positions to the Departments of Justice, Corrections, Inspections and Appeals, Public Defense, and Public Safety, the Iowa Law Enforcement Academy, Board of Parole, and the Civil Rights Commission. This is an increase of \$18.5 million and a decrease of 47.8 FTE positions compared to estimated net FY 2010. The Department of Corrections has 4,078.5 FTE positions in estimated FY 2010 that are not limited in this Bill. These FTE positions are included in the State budget system and are estimated to decrease by 365.9 FTE positions compared to estimated net FY 2010.
- **OTHER FUNDS:**
 - Appropriates \$3.3 million and 27.0 FTE positions from the Department of Commerce Revolving Fund to the Office of the Consumer Advocate. This is an increase of \$197,000 for debt service.
 - Establishes a Gaming Enforcement Revolving Fund and appropriates \$8.9 million from the Fund to the Department of Public Safety for gaming enforcement. Receipts to the Fund are generated by billings to the gaming industry.
 - Establishes a Public Safety Enforcement Fund and requires the Treasurer of State to allocate \$8.8 million from the Fund to the Department of Corrections (\$3.0 million), Department of Public Safety (\$400,000), Civil Rights Commission (\$100,000) and the Judicial Branch (\$5.3 million). This Bill directs \$8.8 million in court receipts to the Fund.
 - Increases court costs and fines for certain scheduled and non-scheduled traffic offenses, and certain simple misdemeanors. Increases court costs for serious and aggravated misdemeanors and felonies. These increases in fines are anticipated to generate an additional \$9.1 million in receipts.
 - Makes the following significant General Fund changes for FY 2010:
 - **Department of Justice - Legal Services Poverty Grants:** An increase of \$172,000 for a general increase.
 - **Department of Corrections (DOC):** An increase of \$23.2 million to partially restore the FY 2010 across-the-board reduction.
 - **State Public Defender/Indigent Defense:** A net decrease of \$3.8 million for a general reduction.
 - **Department of Public Safety (DPS):** A decrease of \$2.0 million, including:
 - An increase of \$182,000 to Public Safety Administration.
 - A decrease of \$6.2 million to the Division of Criminal Investigation (DCI).
 - An increase of \$759,000 to the Division of Narcotics Enforcement.
 - An increase of \$754,000 to the Fire Marshal's Office.
 - An increase of \$3.9 million to the Iowa State Patrol.
- Requires the DOC to use the John Bennett Facility at Fort Madison as either a prison facility or a Community-Based Corrections (CBC) facility.
- Requires the DOC to employ two part-time nurses at the Luster Heights Prison Camp.

**MAJOR INCREASES, DECREASES,
AND TRANSFERS OF EXISTING
PROGRAMS**

STUDIES AND INTENT LANGUAGE

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 2378
JUSTICE SYSTEM APPROPRIATIONS BILL**

**STUDIES AND INTENT LANGUAGE
(CONTINUED)**

- Requires the DOC to operate the Luster Heights Prison Camp at its 88-bed capacity.
- Requires the DOC to spend at least \$238,000 on the therapeutic treatment community program at the Anamosa State Penitentiary and \$140,000 on the Dual Diagnosis Program in the First CBC District Department.
- Requires the DOC to use at least \$300,000 in canteen receipts for the Corrections Education Program.
- Eliminates the Chief Security Officer in the DOC Central Office.
- Permits the Iowa Law Enforcement Academy to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year.
- Permits the Iowa Law Enforcement Academy to annually exchange five vehicles returned to the State Fleet Administrator by the DPS.
- Permits the Military Division of the Department of Public Defense to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year.
- Permits the Homeland Security and Emergency Management Division to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year.
- Requires the Homeland Security and Emergency Management Division to work in conjunction with the Department of Public Safety on the Fusion Program.
- Authorizes no more than \$200,000 from the Wireless E911 Emergency Communications Fund for FY 2011 to be used for administration of the Fund and to employ the State Auditor to perform an annual audit on the Fund.
- Requires the DOC and DPS to make every effort to preserve correctional officer and peace officer positions through the reduction of administrative costs.
- Provides for a waiver process for centralized purchasing for Iowa Prison Industries.
- Requires the Department of Justice to retain no more than 10.0% of cash in certain forfeiture proceedings.
- Increases the cap on the dollar value of inmate labor from \$50,000 per maintenance project to \$100,000 per maintenance project.
- Permits the Chairperson of the Board of Parole to assume the duties of the Executive Director if necessary.
- The provision eliminating the Chief of Security position in the DOC is effective on enactment.

SIGNIFICANT CODE CHANGES

EFFECTIVE DATES

Summary Data

General Fund

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Approp FY 2011 <u>(3)</u>	Senate Approp vs Est Net FY 2010 <u>(4)</u>
Justice System	\$ 532,710,567	\$ 465,588,015	\$ 484,054,572	\$ 18,466,557
Grand Total	<u>\$ 532,710,567</u>	<u>\$ 465,588,015</u>	<u>\$ 484,054,572</u>	<u>\$ 18,466,557</u>

Justice System

General Fund

	<u>Actual</u> <u>FY 2009</u> <u>(1)</u>	<u>Estimated Net</u> <u>FY 2010</u> <u>(2)</u>	<u>Senate Approp</u> <u>FY 2011</u> <u>(3)</u>	<u>Senate Approp vs</u> <u>Est Net FY 2010</u> <u>(4)</u>
<u>Justice, Department of</u>				
Justice, Dept. of				
General Office A.G.	\$ 9,359,691	\$ 7,732,930	\$ 7,732,930	\$ 0
Victim Assistance Grants	147,750	3,060,000	3,060,000	0
Legal Services Poverty Grants	1,970,000	1,759,171	1,930,671	171,500
Total Justice, Department of	\$ 11,477,441	\$ 12,552,101	\$ 12,723,601	\$ 171,500
<u>Civil Rights Commission</u>				
Civil Rights Commission				
Civil Rights Commission	\$ 1,545,232	\$ 1,379,861	\$ 1,379,861	\$ 0
Total Civil Rights Commission	\$ 1,545,232	\$ 1,379,861	\$ 1,379,861	\$ 0
<u>Corrections, Dept. of</u>				
CBC District 1				
CBC District I	\$ 13,300,371	\$ 11,918,690	\$ 12,453,082	\$ 534,392
CBC District 2				
CBC District II	\$ 11,053,717	\$ 9,986,645	\$ 10,770,616	\$ 783,971
CBC District 3				
CBC District III	\$ 6,104,702	\$ 5,345,642	\$ 5,715,578	\$ 369,936
CBC District 4				
CBC District IV	\$ 5,603,983	\$ 5,179,500	\$ 5,522,416	\$ 342,916
CBC District 5				
CBC District V	\$ 19,232,705	\$ 17,350,422	\$ 18,938,081	\$ 1,587,659
CBC District 6				
CBC District VI	\$ 14,273,011	\$ 12,408,317	\$ 13,030,356	\$ 622,039
CBC District 7				
CBC District VII	\$ 7,265,034	\$ 6,436,995	\$ 6,846,560	\$ 409,565
CBC District 8				
CBC District VIII	\$ 7,109,164	\$ 6,391,827	\$ 6,935,622	\$ 543,795

Justice System General Fund

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Approp FY 2011 <u>(3)</u>	Senate Approp vs Est Net FY 2010 <u>(4)</u>
Central Office				
County Confinement	\$ 967,983	\$ 775,092	\$ 775,092	\$ 0
Federal Prisoners/ Contractual	241,293	215,470	239,411	23,941
Corrections Administration	5,047,861	4,329,043	4,254,068	-74,975
Corrections Education	1,570,358	1,363,707	1,558,109	194,402
Iowa Corrections Offender Network	427,700	381,928	424,364	42,436
Mental Health/Substance Abuse	24,994	22,319	22,319	0
Hepatitis Treatment and Education	188,000	167,881	167,881	0
Total Central Office	\$ 8,468,189	\$ 7,255,440	\$ 7,441,244	\$ 185,804
Fort Madison				
Ft. Madison Institution	\$ 44,737,908	\$ 37,003,223	\$ 39,991,374	\$ 2,988,151
Anamosa				
Anamosa Institution	\$ 31,548,089	\$ 28,272,505	\$ 30,416,461	\$ 2,143,956
Oakdale				
Oakdale Institution	\$ 59,219,891	\$ 52,781,485	\$ 55,755,246	\$ 2,973,761
Newton				
Newton Institution	\$ 28,372,772	\$ 25,230,054	\$ 26,452,257	\$ 1,222,203
Mt Pleasant				
Mt. Pleasant Inst.	\$ 27,430,137	\$ 24,494,564	\$ 26,265,257	\$ 1,770,693
Rockwell City				
Rockwell City Institution	\$ 9,466,021	\$ 8,452,967	\$ 9,324,565	\$ 871,598
Clarinda				
Clarinda Institution	\$ 25,526,358	\$ 21,078,946	\$ 23,645,033	\$ 2,566,087
Mitchellville				
Mitchellville Institution	\$ 16,126,292	\$ 14,253,115	\$ 15,486,586	\$ 1,233,471
Fort Dodge				
Ft. Dodge Institution	\$ 30,313,681	\$ 26,999,132	\$ 29,020,235	\$ 2,021,103
Total Corrections, Dept. of	\$ 365,152,025	\$ 320,839,469	\$ 344,010,569	\$ 23,171,100

Justice System

General Fund

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Approp FY 2011 <u>(3)</u>	Senate Approp vs Est Net FY 2010 <u>(4)</u>
<u>Inspections & Appeals, Dept. of</u>				
Public Defender				
Public Defender	\$ 21,465,998	\$ 19,568,864	\$ 21,743,182	\$ 2,174,318
Indigent Defense Appropriation	<u>33,013,300</u>	<u>21,608,247</u>	<u>15,680,929</u>	<u>-5,927,318</u>
Total Inspections & Appeals, Dept. of	<u>\$ 54,479,298</u>	<u>\$ 41,177,111</u>	<u>\$ 37,424,111</u>	<u>\$ -3,753,000</u>
<u>Law Enforcement Academy</u>				
Law Enforcement Academy				
Law Enforcement Academy	\$ 1,275,199	\$ 1,049,430	\$ 1,049,430	\$ 0
Total Law Enforcement Academy	<u>\$ 1,275,199</u>	<u>\$ 1,049,430</u>	<u>\$ 1,049,430</u>	<u>\$ 0</u>
<u>Parole, Board of</u>				
Parole Board				
Parole Board	\$ 1,251,903	\$ 1,045,259	\$ 1,045,259	\$ 0
Total Parole, Board of	<u>\$ 1,251,903</u>	<u>\$ 1,045,259</u>	<u>\$ 1,045,259</u>	<u>\$ 0</u>
<u>Public Defense, Dept. of</u>				
Public Defense, Dept. of				
Public Defense, Department of	\$ 6,361,947	\$ 5,624,281	\$ 6,249,201	\$ 624,920
Emergency Management Division				
Homeland Security & Emer. Mgmt.	\$ 2,212,722	\$ 1,834,307	\$ 2,038,119	\$ 203,812
Total Public Defense, Dept. of	<u>\$ 8,574,669</u>	<u>\$ 7,458,588</u>	<u>\$ 8,287,320</u>	<u>\$ 828,732</u>

Justice System

General Fund

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Approp FY 2011 <u>(3)</u>	Senate Approp vs Est Net FY 2010 <u>(4)</u>
<u>Public Safety, Department of</u>				
Public Safety, Dept. of				
Public Safety - Department Wide Duties	\$ 0	\$ 1,419,288	\$ 0	\$ -1,419,288
Public Safety Administration	4,470,414	3,952,071	4,134,461	182,390
Public Safety DCI	21,506,406	19,012,743	12,861,710	-6,151,033
DCI - Crime Lab Equipment/Training	342,000	302,345	302,345	0
Narcotics Enforcement	6,501,493	5,747,647	6,507,048	759,401
Public Safety Undercover Funds	123,343	109,042	109,042	0
DPS Fire Marshal	4,060,859	3,590,003	4,343,896	753,893
Iowa State Patrol	50,971,409	45,061,285	48,984,147	3,922,862
DPS/SPOC Sick Leave Payout	316,179	279,517	279,517	0
Fire Fighter Training	662,697	612,255	612,255	0
Total Public Safety, Department of	\$ 88,954,800	\$ 80,086,196	\$ 78,134,421	\$ -1,951,775
Total Justice System	\$ 532,710,567	\$ 465,588,015	\$ 484,054,572	\$ 18,466,557

Summary Data

Other Funds

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Approp FY 2011 <u>(3)</u>	Senate Approp vs Est Net FY 2010 <u>(4)</u>
Justice System	\$ 0	\$ 3,138,888	\$ 20,988,119	\$ 17,849,231
Grand Total	<u>\$ 0</u>	<u>\$ 3,138,888</u>	<u>\$ 20,988,119</u>	<u>\$ 17,849,231</u>

Justice System

Other Funds

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Approp FY 2011 <u>(3)</u>	Senate Approp vs Est Net FY 2010 <u>(4)</u>
<u>Justice, Department of</u>				
Consumer Advocate				
Consumer Advocate - Fd. 0019	\$ 0	\$ 3,138,888	\$ 3,336,344	\$ 197,456
Total Justice, Department of	<u>\$ 0</u>	<u>\$ 3,138,888</u>	<u>\$ 3,336,344</u>	<u>\$ 197,456</u>
<u>Civil Rights Commission</u>				
Civil Rights Commission				
Civil Rights - PSEF	\$ 0	\$ 0	\$ 100,000	\$ 100,000
Total Civil Rights Commission	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 100,000</u>	<u>\$ 100,000</u>
<u>Corrections, Dept. of</u>				
CBC District 1				
CBC District 1 - PSEF	\$ 0	\$ 0	\$ 100,000	\$ 100,000
CBC District 6				
CBC District 6 - PSEF	\$ 0	\$ 0	\$ 402,810	\$ 402,810
Fort Madison				
Fort Madison Inst.- PSEF	\$ 0	\$ 0	\$ 1,451,000	\$ 1,451,000
Anamosa				
Anamosa Inst. - PSEF	\$ 0	\$ 0	\$ 1,046,190	\$ 1,046,190
Total Corrections, Dept. of	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>
<u>Judicial Branch</u>				
Judicial Branch				
Judicial Branch - PSEF	\$ 0	\$ 0	\$ 5,300,000	\$ 5,300,000
Total Judicial Branch	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 5,300,000</u>	<u>\$ 5,300,000</u>
<u>Public Safety, Department of</u>				
Public Safety, Dept. of				
Department Wide Duties-PSEF	\$ 0	\$ 0	\$ 250,000	\$ 250,000
Fire Fighter Training-PSEF	0	0	150,000	150,000
Gaming Enforcement-GERF	0	0	8,851,775	8,851,775
Total Public Safety, Department of	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 9,251,775</u>	<u>\$ 9,251,775</u>
Total Justice System	<u>\$ 0</u>	<u>\$ 3,138,888</u>	<u>\$ 20,988,119</u>	<u>\$ 17,849,231</u>

Summary Data

FTE

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Approp FY 2011 <u>(3)</u>	Senate Approp vs Est Net FY 2010 <u>(4)</u>
Justice System	6,042.38	6,355.35	5,941.68	-413.67
Grand Total	<u>6,042.38</u>	<u>6,355.35</u>	<u>5,941.68</u>	<u>-413.67</u>

Justice System

FTE

	Actual FY 2009	Estimated Net FY 2010	Senate Approp FY 2011	Senate Approp vs Est Net FY 2010
	(1)	(2)	(3)	(4)
<u>Justice, Department of</u>				
Justice, Dept. of				
General Office A.G.	214.97	232.50	232.50	0.00
Victim Compensation Fund	21.60	22.00	22.00	0.00
Total Justice, Dept. of	236.57	254.50	254.50	0.00
Consumer Advocate				
Consumer Advocate - Fd. 0019	20.35	27.00	27.00	0.00
Total Justice, Department of	256.92	281.50	281.50	0.00
<u>Civil Rights Commission</u>				
Civil Rights Commission				
Civil Rights Commission	31.81	29.50	29.50	0.00
Total Civil Rights Commission	31.81	29.50	29.50	0.00
<u>Corrections, Dept. of</u>				
CBC District 1				
CBC District I	187.75	201.50	189.51	-11.99
CBC District 2				
CBC District II	159.94	157.94	156.89	-1.05
CBC District 3				
CBC District III	77.89	81.99	78.99	-3.00
CBC District 4				
CBC District IV	69.00	75.00	68.60	-6.40
CBC District 5				
CBC District V	272.45	288.12	266.45	-21.67
CBC District 6				
CBC District VI	203.13	216.06	191.63	-24.43
CBC District 7				
CBC District VII	105.45	105.45	95.45	-10.00
CBC District 8				
CBC District VIII	93.80	97.15	93.00	-4.15

Justice System

FTE

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Approp FY 2011 <u>(3)</u>	Senate Approp vs Est Net FY 2010 <u>(4)</u>
Central Office				
Corrections Administration	45.36	47.18	41.00	-6.18
Fort Madison				
Ft. Madison Institution	516.83	556.50	489.00	-67.50
Anamosa				
Anamosa Institution	348.73	356.25	350.75	-5.50
Oakdale				
Oakdale Institution	559.75	610.50	565.00	-45.50
Newton				
Newton Institution	321.19	351.00	307.00	-44.00
Mt Pleasant				
Mt. Pleasant Inst.	301.79	319.56	298.16	-21.40
Rockwell City				
Rockwell City Institution	106.99	113.00	106.00	-7.00
Clarinda				
Clarinda Institution	282.46	303.20	277.10	-26.10
Mitchellville				
Mitchellville Institution	186.29	198.00	185.00	-13.00
Fort Dodge				
Ft. Dodge Institution	334.54	366.00	319.00	-47.00
Total Corrections, Dept. of	<u>4,173.33</u>	<u>4,444.40</u>	<u>4,078.53</u>	<u>-365.87</u>
<u>Inspections & Appeals, Dept. of</u>				
Public Defender				
Public Defender	200.97	203.00	203.00	0.00
Total Inspections & Appeals, Dept. of	<u>200.97</u>	<u>203.00</u>	<u>203.00</u>	<u>0.00</u>
<u>Law Enforcement Academy</u>				
Law Enforcement Academy				
Law Enforcement Academy	26.94	29.55	30.55	1.00
Total Law Enforcement Academy	<u>26.94</u>	<u>29.55</u>	<u>30.55</u>	<u>1.00</u>

Justice System

FTE

	Actual FY 2009 <u>(1)</u>	Estimated Net FY 2010 <u>(2)</u>	Senate Approp FY 2011 <u>(3)</u>	Senate Approp vs Est Net FY 2010 <u>(4)</u>
<u>Parole, Board of</u>				
Parole Board				
Parole Board	11.97	18.50	13.50	-5.00
Total Parole, Board of	<u>11.97</u>	<u>18.50</u>	<u>13.50</u>	<u>-5.00</u>
<u>Public Defense, Dept. of</u>				
Public Defense, Dept. of				
Public Defense, Department of	301.38	313.30	324.00	10.70
Emergency Management Division				
Homeland Security & Emer. Mgmt.	57.74	33.10	33.00	-0.10
Total Public Defense, Dept. of	<u>359.12</u>	<u>346.40</u>	<u>357.00</u>	<u>10.60</u>
<u>Public Safety, Department of</u>				
Public Safety, Dept. of				
Public Safety Administration	39.17	39.00	36.00	-3.00
Public Safety DCI	275.45	287.50	162.10	-125.40
Narcotics Enforcement	75.26	81.00	75.00	-6.00
DPS Fire Marshal	56.10	59.00	57.00	-2.00
Iowa State Patrol	535.35	536.00	503.00	-33.00
Gaming Enforcement-GERF	0.00	0.00	115.00	115.00
Total Public Safety, Department of	<u>981.32</u>	<u>1,002.50</u>	<u>948.10</u>	<u>-54.40</u>
Total Justice System	<u><u>6,042.38</u></u>	<u><u>6,355.35</u></u>	<u><u>5,941.68</u></u>	<u><u>-413.67</u></u>